

§ 163.81

25 CFR Ch. I (4–1–11 Edition)

under the guidelines established in § 163.81 of this part.

(a) Assessments shall be conducted in the first year of each decade (e.g., 2000, 2010, etc.) and shall be completed within 24 months of their initiation date. Each assessment shall be initiated no later than November 28 of the designated year.

(b) Except as provided in § 163.83 of this part, each assessment shall be conducted by a non-Federal entity knowledgeable of forest management practices on Federal and private land. Assessments will evaluate and compare investment in and management of Indian forest land with similar Federal and private land.

(c) Completed assessment reports shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Select Committee on Indian Affairs of the United States Senate and shall be made available to Indian tribes.

§ 163.81 Assessment guidelines.

Assessments shall be national in scope and shall include:

(a) An in-depth analysis of management practices on, and the level of funding by management activity for, specific Indian forest land compared with similar Federal and private forest land;

(b) A survey of the condition of Indian forest land, including health and productivity levels;

(c) An evaluation of the staffing patterns, by management activity, of forestry organizations of the Bureau of Indian Affairs and of Indian tribes;

(d) An evaluation of procedures employed in forest product sales administration, including preparation, field supervision, and accountability for proceeds;

(e) An analysis of the potential for streamlining administrative procedures, rules and policies of the Bureau of Indian Affairs without diminishing the Federal trust responsibility;

(f) A comprehensive review of the intensity and utility of forest inventories and the adequacy of Indian forest land management plans, including their compatibility with other resource inventories and applicable integrated re-

source management plans and their ability to meet tribal needs and priorities;

(g) An evaluation of the feasibility and desirability of establishing or revising minimum standards against which the adequacy of the forestry program of the Bureau of Indian Affairs in fulfilling its trust responsibility to Indian forest land can be measured;

(h) An evaluation of the effectiveness of implementing the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, as amended) in regard to the Bureau of Indian Affairs forestry program;

(i) A recommendation of any reforms and increased funding and other resources necessary to bring Indian forest land management programs to a state-of-the-art condition; and

(j) Specific examples and comparisons from across the United States where Indian forest land is located.

§ 163.82 Annual status report.

The Secretary shall, within 6 months of the end of each fiscal year, submit to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Select Committee on Indian Affairs of the United States Senate, and to the affected Indian tribes, a report on the status of Indian forest land with respect to attaining the standards, goals and objectives set forth in approved forest management plans. The report shall identify the amount of Indian forest land in need of forestation or other silvicultural treatment, and the quantity of timber available for sale, offered for sale, and sold, for each Indian tribe.

§ 163.83 Assistance from the Secretary of Agriculture.

The Secretary of the Interior may ask the Secretary of Agriculture, through the Forest Service, on a nonreimbursable basis, for technical assistance in the conduct of such research and evaluation activities as may be necessary for the completion of any reports or assessments required by § 163.80 of this part.

PART 166—GRAZING PERMITS**Subpart A—Purpose, Scope, and Definitions**

Sec.

- 166.1 What is the purpose and scope of this part?
- 166.2 Can the BIA waive the application of these regulations?
- 166.3 May decisions under this part be appealed?
- 166.4 What terms do I need to know?

Subpart B—Tribal Policies and Laws Pertaining to Permits

- 166.100 What special tribal policies will we apply to permitting on Indian agricultural lands?
- 166.101 May individual Indian landowners exempt their land from certain tribal policies for permitting on Indian agricultural lands?
- 166.102 Do tribal laws apply to permits?
- 166.103 How will tribal laws be enforced on Indian agricultural land?
- 166.104 What notifications are required that tribal laws apply to permits on Indian agricultural lands?

Subpart C—Permit Requirements**GENERAL REQUIREMENTS**

- 166.200 When is a permit needed to authorize possession of Indian land for grazing purposes?
- 166.201 Must parents or guardians of Indian minors who own Indian land obtain a permit before using land for grazing purposes?
- 166.202 May an emancipated minor grant a permit?
- 166.203 When can the Indian landowners grant a permit?
- 166.204 Who may represent an individual Indian landowner in granting a permit?
- 166.205 When can the BIA grant a permit on behalf of Indian landowners?
- 166.206 What requirements apply to a permit on a fractionated tract?
- 166.207 What provisions will be contained in a permit?
- 166.208 How long is a permit term?
- 166.209 Must a permit be recorded?
- 166.210 When is a decision by the BIA regarding a permit effective?
- 166.211 When are permits effective?
- 166.212 When may a permittee take possession of permitted Indian land?
- 166.213 Must I comply with any standards of conduct if I am granted a permit?
- 166.214 Will the BIA notify the permittee of any change in land title status?

OBTAINING A PERMIT

- 166.215 How can I find Indian land available for grazing?
- 166.216 Who is responsible for permitting Indian land?
- 166.217 In what manner may a permit on Indian land be granted?
- 166.218 How do I acquire a permit through tribal allocation?
- 166.219 How do I acquire a permit through negotiation?
- 166.220 What are the basic steps for acquiring a permit through negotiation?
- 166.221 How do I acquire an advertised permit through competitive bidding?
- 166.222 Are there standard permit forms?

PERMIT (LEASEHOLD) MORTGAGE

- 166.223 Can I use a permit as collateral for a loan?
- 166.224 What factors does the BIA consider when reviewing a leasehold mortgage?
- 166.225 May a permittee voluntarily assign a leasehold interest under an approved encumbrance?
- 166.226 May the holder of a leasehold mortgage assign the leasehold interest after a sale or foreclosure of an approved encumbrance?

MODIFYING A PERMIT

- 166.227 How can Indian land be removed from an existing permit?
- 166.228 How will the BIA provide notice if Indian land is removed from an existing permit?
- 166.229 Other than to remove land, how can a permit be amended, assigned, subpermitted, or mortgaged?
- 166.230 When will a BIA decision to approve an amendment, assignment, subpermit, or mortgage under a permit be effective?
- 166.231 Must an amendment, assignment, subpermit, or mortgage approved under a permit be recorded?

Subpart D—Land and Operations Management

- 166.300 How is Indian agricultural land managed?
- 166.301 How is Indian land for grazing purposes described?
- 166.302 How is a range unit created?
- 166.303 Can more than one parcel of Indian land be combined into one permit?
- 166.304 Can there be more than one permit for each range unit?
- 166.305 When is grazing capacity determined?
- 166.306 Can the BIA adjust the grazing capacity?
- 166.307 Will the grazing capacity be increased if I graze adjacent trust or non-trust rangelands not covered by the permit?